

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00326-01

RICHARD A. MULLINS

PROBATION REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 7, 2017, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Richard A. Mullins, appeared in person and by his counsel, Michael D. Payne, for a hearing on the petition on probation and amendment thereto submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a three-year term of probation in this action on July 8, 2014, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 9, 2014. By order entered on March 29, 2017, the court extended the defendant's probation for a period of two years.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on May 15, 2017, for methamphetamine and buprenorphine, the defendant having admitted to the probation officer that he used methamphetamine approximately three times over the prior month; and as evidenced by a positive urine specimen submitted by him on July 7, 2017, for methamphetamine, the defendant having denied using methamphetamine, after which the probation officer sent the specimen for confirmation that was returned positive for amphetamine and methamphetamine; (2) the defendant failed to follow the instructions of the probation officer inasmuch as on April 4, 2017, he was instructed to continue following the treatment recommendations from his recovery coach and failed to do so; and (3) the defendant failed to abide by the special condition that he complete the Within Reach Program for a minimum period of six months and as long as twelve months, which commenced in early February 2017, inasmuch as he was removed from the program on May 5, 2017, for failing to follow the rules and regulations of the facility; all as admitted by the

defendant on the record of the hearing and as set forth in the petition on probation and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of probation and, further, that it would unduly depreciate the seriousness of the violations if probation were not revoked, it is ORDERED that the probation previously imposed upon the defendant in this action be, and it hereby is, revoked.

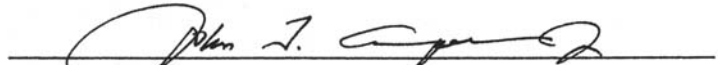
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of three (3) years of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that, as soon as feasible upon his release, participate in the 9 to 12 month program at

Recovery Point in Huntington, West Virginia, where he shall follow the rules and regulations of the program, and participate in drug abuse counseling and treatment as directed by the program and the probation officer. If bed space is not available at Recovery Point upon defendant's release from incarceration, he shall participate in a comparable residential drug treatment program as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 9, 2017


John T. Copenhaver, Jr.
United States District Judge